IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7258 OF 2003

The Head Master,
Shri. Ganesh Primary School ...Petitioner

Versus

Smt. Amirthakani Samuel & Ors. ...Respondents

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Mr. N.R. Bubna, counsel for Petitioner

Mr. R.S. Datar, counsel for Respondent No.1.

Mr.A.H. Palekar, A.G.P. for Respondent No.3.

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CORAM: B. H. MARLAPALLE, J.

DATED: 14TH MARCH, 2005

P. C.:-

1. Heard the learned counsel for the respective parties as well as the learned A.G.P.

2. This petition by the management impugns the decision of the School Tribunal in appeal No. 61 of 2002 filed by the present respondent No.1.

3. The Management had claimed that the respondent No.1 did not possess the requisite qualification of D.Ed. for being appointed as an Assistant Teacher in the Primary School and on the other hand she had passed H.S.C. examination and thereafter completed her S.G.T.T. (Secondary Grade Two years Teachers

Training Course). This aspect has not been considered by the School Tribunal and the Appeal came to be allowed without considering the main issue that the respondent No.1 did not possess the requisite qualifications.

4. An affidavit in reply filed by the Desk Officer from the School Education Department, Government of Maharashtra, indicates that the issue regarding the S.G.T.T. qualifications being equivalent to the D.Ed. qualification, was referred by the Government of Maharashtra to the Director, Maharashtra State Council of Education Research and Training at Pune and by letter dated 23.1.2003 the said Council has communicated to the State Government that as a special case the qualifications possessed by the respondent No.1 are treated to be equivalent to D.Ed. qualifications, and the State of Maharashtra has accepted the said recommendation made by order dated 2.12.2004.

5. Under these circumstance the respondent No.1 is treated to possess the qualifications equivalent to D.Ed. qualifications from 2.12.2004 and therefore, her valid service to be counted only from that date onwards. This will not in any way upset the seniority of other teachers who possessed D.Ed. qualifications. This clarification shall remove

doubts or conflicts, if any, and therefore, the petition is disposed of with the directions that the seniority of respondent No.1 shall be counted from 2.12.2004 onwards. Subject to this modification, the order of the School Tribunal stands confirmed and the question of backwages would not arise.